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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

BARRY BONDS,

Defendant.

No. CR 07-0732-SI

DECLARATION OF JEFF NOVITZKY

I, JEFF NOVITZKY, declare:

1. I am a Special Agent with the Food and Drug Administration, Office of Criminal Investigation (FDA-OCI). I have been with FDA-OCI since April 2008. Prior to my employment with FDA-OCI, I was a Special Agent with the Internal Revenue Service, Criminal Investigation (IRS-CI), beginning in 1993. During my nineteen (19) years as a federal agent, I have conducted and/or participated in hundreds of criminal investigations involving drug distribution violations, misbranding violations, income tax violations, money laundering violations, currency violations and other federal financial crimes. Additionally I have extensive experience in investigations involving illegal drug distribution organizations, and specifically, drug investigations regarding anabolic steroids and "designer" steroids.

2. Since approximately 2002, I have been involved in investigating cases that involve

DECLARATION OF JEFF NOVITZKY
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1 the illegal distribution of anabolic steroids and other illegal performance-enhancing drugs. Over
2 the past nine years of investigating such cases, I have spoken to dozens of individuals
3 knowledgeable about the effects of steroid use, including steroid users, steroid distributors, and
4 medical and scientific experts. I have read scientific literature on the effects of steroids and seen
5 photographs of individuals who were abusers of steroids.

6 3. I have reviewed the recorded conversation between Steve Hoskins and Greg
7 Anderson. I understand the Court has subdivided the transcript of that conversation into three
8 sections, and will use those subdivisions for purposes of this declaration.

9 4. In Part A of the recording, the context and substance of the conversation is Anderson's
10 distribution of various anabolic steroids, and indicates that Anderson is discussing injecting a
11 person named "Barry" with an anabolic steroid. Anderson's comments during this part of the
12 conversation all indicate the injection of anabolic steroids. Anabolic steroids are often injected
13 in the buttocks and the legs. The recording makes a reference to an injection in the thigh.
14 Anderson's statement "you can't even walk after that" refers to the side effects of steroid
15 injections, as do the references to the tendency of a steroid injection to "ball up and puddle," to
16 "make an indentation," and to make a "cyst" which would require draining. These characteristics
17 are all side effects that occur from frequent steroid injections in the same part of the body. The
18 technique of having to "switch off of one cheek to the other" refers to injections in the buttocks
19 and the approach of injecting in different parts of the body in order to avoid these side effects.
20 Anderson's statement, "I move it all over the place" responds to this concern. Under the
21 circumstances described by Anderson in the recording, the injection of Bonds by Anderson
22 would also constitute an illegal distribution of anabolic steroids.

23 5. With respect to Part C of the recording, the "Olympic stuff" referred to by Anderson in
24 this section refers to both the steroid cream known by the defendants in the Balco case (including
25 Anderson) as "the cream," and the designer steroid tetrahydrogestrinone, or "THG," known as
26 "the clear. The "clear" contained tetrahydrogestrinone, an anabolic steroid that, at the time of
27 Anderson's statement, was illegal as being "chemically and pharmacologically related to
28 testosterone" under 21 U.S.C. § 802(41)(A) (and which is now specifically listed in 21 U.S.C. §
802(41)(A)(xlviii)), and the "cream" contained testosterone, an anabolic steroid that, at the time
of Anderson's statement, was illegal under 21 U.S.C. § 802(41)(A)(xxvi). The distribution of the
"clear" or the "cream" was also illegal under the FDA Act's misbranding statutes contained at 18
U.S.C. § 331, 333. Accordingly, it was illegal under federal law in 2003 for

1 Anderson to distribute either the "clear" or the "cream."

2 I declare under penalty of perjury that the foregoing is true and correct to the best of my
3 knowledge at Oakland, California on January 28, 2011.

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6 JEFF NOVITZKY
7 Special Agent
8 Food and Drug Administration, Office of Criminal Investigations
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